

**Stephen Manning** (SBN 013373)

stephen@innovationlawlab.org

**Nadia Dahab** (SBN 125630)

nadia@innovationlawlab.org

INNOVATION LAW LAB

333 SW Fifth Avenue #200

Portland, OR 97204

Telephone: +1 503 241-0035

Facsimile: +1 503 241-7733

**Karen C. Tumlin** (admitted *pro hac vice*)

karen.tumlin@justiceactioncenter.org

**Esther H. Sung** (admitted *pro hac vice*)

esther.sung@justiceactioncenter.org

JUSTICE ACTION CENTER

P.O. Box 27280

Los Angeles, CA 90027

Telephone: +1 323 316-0944

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

JOHN DOE #1; JUAN RAMON MORALES;  
JANE DOE #2; JANE DOE #3; IRIS  
ANGELINA CASTRO; BLAKE DOE;  
BRENDA VILLARRUEL; and LATINO  
NETWORK,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as  
President of the United States; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; KEVIN MCALEENAN, in his  
official capacity as Acting Secretary of the  
Department of Homeland Security; U.S.  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; ALEX M. AZAR II, in  
his official capacity as Secretary of the  
Department of Health and Human Services;  
U.S. DEPARTMENT OF STATE;  
MICHAEL POMPEO, in his official capacity  
as Secretary of State; and UNITED STATES  
OF AMERICA,

Defendants.

Case No.: 3:19-cv-01743-SB

**DECLARATION OF DANIEL E.  
RHOADS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A  
PRELIMINARY INJUNCTION**

**Declaration of Daniel E. Rhoads**

I, Daniel E. Rhoads, upon my personal knowledge, state as follows:

1. I am a United States citizen, born in Richmond, Virginia, on [REDACTED] I am not a veteran of the Armed Services.
2. I currently live in Barcelona, Spain with my wife, [REDACTED] [REDACTED] is an Italian citizen, born [REDACTED] in Rome, Italy.
3. We were married August 7, 2017 in Richmond, Virginia. At the time of our marriage, we were living, working, and attending university in Barcelona, Spain. After our marriage in Richmond, we returned to Barcelona to allow [REDACTED] to complete her Ph.D. in Technology with a focus on Materials Science from the University of Girona (Spain). She has completed and deposited her doctoral thesis and is expected to have her Ph.D. conferred by the end of November 2019.
4. I am currently working at the [REDACTED] in Barcelona as a researcher. I am also pursuing a PhD in Information Technology at this university. I hold a Bachelor's degree from Virginia Commonwealth University (2015) in Richmond, Virginia, and a Master's degree in Geographic Information Systems from the Universitat Autònoma de Barcelona (2017).
5. [REDACTED] and I wish to move to the United States to pursue our careers and to build our life together. In order for [REDACTED] to join me in the United States, we have to obtain an "immigrant visa" for her from the US embassy in Madrid Spain.
6. Obtaining an immigrant visa is a complicated and stressful process. As the first step in the process, I filed an I-130 Petition for Alien Relative with the United States Citizenship & Immigration Services on October 27, 2017. This was approved on May 2, 2018.
7. We then had to submit significant documentation to the National Visa Center in the United States regarding [REDACTED] background, including her family history, employment history, immigration history, and certification from Italian and Spanish police that she had no criminal background, and records and financial documentation to prove that [REDACTED] will not become a "public charge." The filing we had to make with the National Visa Center included confirmation that we have sufficient financial resources available to us that, if [REDACTED] ever obtains certain means-tested public benefits in the United States, including long-term healthcare at a public facility, the government will be reimbursed the full cost of the public benefit.
8. The financial documentation we submitted included transcripts of my U.S. tax returns, and an Affidavit of Support filed by me confirming that I am responsible for any means-tested public benefits she receives for a period of 10 years. Because we do not currently live in the United States, we submitted a second Affidavit of Support from a joint

3785866



Declaration of Daniel E. Rhoads  
Page 2

- sponsor, providing additional assurance that, if [REDACTED] receives means-tested public benefits, the government will be reimbursed for the cost.
9. We completed and submitted everything required by law to the National Visa Center, and we are now waiting for an interview date with the U.S. Embassy in Madrid, Spain to obtain the immigrant visa.
  10. We are planning to move to the United States in the summer of 2020, after I complete my Ph.D. We do not yet have employment in the United States. We plan to pursue employment opportunities in fields related to our advanced degrees after we move to the United States and are available for job interviews. [REDACTED] is seeking employment as a post-doctoral researcher in the field of materials chemistry, or alternatively an analytical chemist working for a private firm. I will be seeking employment as a researcher in the field of network and data science, or alternatively as a data analyst or computer programmer for a private firm.
  11. [REDACTED] and I are both educated in fields that provide many opportunities for employment, and we fully anticipate finding employment. However, at the time we move to the United States, we will not have employment and we will not have employer-provided health insurance.
  12. We have now learned of a brand new obstacle which may prevent us from being able to move to the United States as a married couple. On October 4, 2019, President Donald Trump issued a "Proclamation" requiring that anyone applying for an immigrant visa to enter the United States must show either (a) that he or she will be covered by health insurance within 30 days of entry, with proof of specific health insurance plans and the date the coverage will begin; or (b) that we have financial resources to pay for reasonably foreseeable medical costs.
  13. We have no reasonable way to comply with this requirement. Up to this point, we have carefully complied with all requirements to allow me to move to the United States with my wife, including providing guarantees by two people (me and my joint sponsor) that if [REDACTED] obtains means-tested benefits funded by the government, the government will be reimbursed. This new health insurance requirement may force me to have to abandon my plans to return to the United States, my country of birth, to remain in Europe so that I will not be separated from my wife.
  14. The Proclamation gives us no guidance regarding what we need to provide at the consular interview to prove that we have health insurance or financial resources to pay for reasonably foreseeable medical costs. Neither of us has any medical conditions. We are both under 30 and healthy.
  15. After moving to the United States, we certainly plan on having health insurance. But we have no reasonable way of knowing or proving that it will be within 30 days. In addition, obtaining health insurance may involve a Healthcare Marketplace Plan to

3785866



Declaration of Daniel E. Rhoads

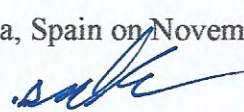
Page 3

which we would both be legally entitled when we arrive in the U.S., but which this Proclamation would prevent. It may also be through an employer who hires us after we enter the U.S. These are details we cannot reasonably provide before arriving in the United States.

16. Because we have already confirmed through Affidavits of Support that any public benefits received by [REDACTED] will be reimbursed, this new Proclamation seems wasteful and can only serve to prohibit entry to the U.S. of people like me and my wife who are in the early stages of starting our careers in technology fields that are important and beneficial to the United States.
17. I am willing to serve as a class representative on behalf of others who will not be able to have spouses or other family members join them in the United States because of this Proclamation.
18. I know that if the class is certified I will be representing more than just myself in this case.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed in Barcelona, Spain on November 6, 2019.



Daniel E. Rhoads

3785866